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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

**ADEMOLA ADETULA;
HOMER STRICKLAND;**

Plaintiffs,

vs.

UNITED PARCEL SERVICE, INC.;
UNITED PARCEL SERVICE GENERAL
SERVICES CO.; DOES 1 through 50,
inclusive,

Defendants.

**PLAINTIFF’S SHORT FORM
EXPEDITED DISCOVERY MOTION
(AMENDED)**

[Fed. R. Civ. P. 33, 34, 37, DUCivR 37-1]

Case No. 2:18-cv-00612-JNP-BCW

Honorable Judge Jill N. Parrish

Magistrate Judge Brooke C. Wells

A party denied complete discovery responses may move for the Court’s assistance. Rules 33, 34, 37; DUCivR 37. Plaintiff Ademola Adetula propounded Requests for Documents and Interrogatories to Defendant United Parcel Service, Inc. (“UPS”). UPS did not respond. Instead, United Parcel Service General Services Co. (“GS”) provided incomplete, evasive, and unverified responses. The deficiencies remain despite good faith meet and confer efforts. Plaintiff seeks an order for complete responses, and for Plaintiff’s attorney fees.

BACKGROUND

Defendants have been in Salt Lake City since 1975. Plaintiff Adetula has been employed with Defendants for 24 years; Plaintiff Strickland for 35 years. Both are African American. Despite exceptional qualifications, experience, and performance, Plaintiffs have been discriminated against, and denied promotions. In fact, no African American has been promoted to Manager level or above in Salt Lake City ever. Instead, Defendants have engaged in patterns and practices of racial and other forms of discrimination; hostile work environment; harassment; and retaliation.

RELIEF SOUGHT

1. DOCUMENTS – EXHIBITS 1 and 2: That Defendants produce all documents.

Requests 1–19: The documents requested are germane to the issues in the case, including Plaintiffs' personnel files; handbooks, manuals; employee demographics; payband, compensation data; racial complaints; employee ranking; racial, diversity statistical information; factors considered in promotion, retention, or performance evaluation of Managers; communications regarding Plaintiffs; affirmative action programs; documents about African Americans who were recently relocated to Salt Lake City as cover ups to complaints of racial discrimination; affirmative defenses a.–j; All objections have been waived by UPS. The responses by GS are evasive, incomplete, and assert meritless objections. No privilege log has been provided.

2. INTERROGATORIES – EXHIBIT 3: That Defendants provide complete responses.

Interrogatories 1–7: The information requested are germane to the issues in the case and involve the same types of information as the document requests. All objections have been waived by UPS. The unverified responses by GS are evasive, incomplete, and assert meritless objections.

CERTIFICATION MEET AND CONFER

This is to certify that reasonable efforts have been made to reach agreement on these matters. On February 4, 2019, the undersigned sent a detailed Meet & Confer Letter to Defendants' counsel David Barton and Benjamin Naylor, asking for compliance to Plaintiff's Requests for Production (1–19) and Interrogatories (1–7) by February 18. The Letter offered to meet in person or by telephone on February 6 at 9:00 a.m. or 1:00 p.m.; February 7 at 11:00 a.m. or 3:00 p.m.; or February 8 at 9:00 a.m. On February 8, Mr. Naylor emailed stating he was not in a position to respond by any of the dates requested but that he would respond “as soon as possible”. When no response was made by Mr. Barton at all and nothing further by Mr. Naylor, the undersigned sent a follow up email on February 22. On February 24, Mr. Naylor indicated he was “working on a response”; however, to date nothing has been provided from Defendants.

This Motion is necessary to obtain the discovery needed regarding witnesses, facts and issues in this case in preparation for trial.

DATED this 4th day of March 2019.

ANDRUS LAW FIRM, LLC

BY: /s/ Randy M. Andrus

RANDY M. ANDRUS

Attorney for Plaintiff

ADEMOLA ADETULA

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of March 2019, a true and correct copy of the **PLAINTIFF'S SHORT FORM EXPEDITED DISCOVERY MOTION (AMENDED)** was mailed via U.S. mail, postage prepaid and/or CM/ECF, to the following:

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